



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

EPA-R07-OAR-2014-0213; FRL-9950-65-Region 7]

Approval and Promulgation of Implementation Plans; State of

Iowa; Infrastructure State Implementation Plan (SIP)

Requirements for the 1997 and 2006 Fine Particulate Matter

(PM_{2.5}) National Ambient Air Quality Standards (NAAQS), and the

Adoption of the 1997 PM_{2.5} Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of two State Implementation Plan (SIP) submissions from the State of Iowa for the Infrastructure SIP Requirements for the 1997 and 2006 Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). Infrastructure SIPs address the applicable requirements of Clean Air Act (CAA) section 110, which requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by the EPA. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management

program are adequate to meet the state's responsibilities under the CAA. This action also approves the adoption of the 1997 PM_{2.5} standard.

On September 8, 2011, EPA issued a Finding of Failure to Submit a Complete State Implementation Plan for several states, including Iowa. With respect to Iowa, the Finding of Failure to Submit included the following 2006 PM_{2.5} NAAQS infrastructure requirements: 110(a)(2)(A)-(C), (D)(i)(II)(prong 3 only), (E)-(H) and (J)-(M). This approval of Iowa's infrastructure SIP for the 2006 PM_{2.5} NAAQS addresses the September 8, 2011 finding.

DATES: This final rule is effective on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2014-0213. All documents in the docket are listed on the www.regulations.gov web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically at www.regulations.gov and at EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219. Please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7039, or by email at Hamilton.heather@epa.gov

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," or "our" refer to EPA. This section provides additional information by addressing the following:

- I. What is Being Addressed in this Document?
- II. EPA's Response to Comments
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. What is Being Addressed in this Document?

The EPA is approving two submissions from the State of Iowa: the infrastructure SIP submissions for the 1997 and 2006 PM_{2.5} NAAQS received on March 31, 2008 and July 29, 2013. The SIP submissions from Iowa addressed the requirements of CAA sections 110 (a) (1) and (2) as applicable to the 1997 and 2006 PM_{2.5} NAAQS. The March 31, 2008 SIP submission also included the state adoption of the 1997 PM_{2.5} standard. The EPA is also approving the 1997 PM_{2.5} standard in today's action.

For the 1997 PM_{2.5} NAAQS, the EPA took previous action to address section 110(a)(2)(D)(i)(I) - prongs 1 and 2 for Iowa. (72 FR 10380, March 8, 2007, as revised in 76 FR 48208, August 8, 2011). Therefore, in this final action, we are not

acting on these portions since they have already been acted upon by the EPA.

A Technical Support Document is included as part of the docket to discuss the details of this final action.

II. EPA's Response to Comment

The public comment period on EPA's proposed regulation opened June 23, 2016, the date of its publication in the **Federal Register**, and closed on July 25, 2016. 81 FR 40,825. During this period, EPA received one comment that is addressed as follows:

Comment: The commenter stated that EPA must disapprove the Prevention of Significant Deterioration (PSD) portions of the infrastructure SIP, 110(a)(2)(C), (D)(i)(II)(prong 3) and (J), because the local air agencies in Iowa with their own PSD programs lack the PM_{2.5} increment or do not treat NO_x as a precursor for ozone.

Response to comment: Iowa has a delegated PSD program (see 72 FR 27056) that is not delegated to local air agencies. PSD permits are only issued by the Iowa Department of Natural Resources. 81 FR 44,795, 44,796. Therefore, no changes will be made in response to this comment.

III. What Action is EPA Taking?

The EPA is approving two submissions from the State of Iowa: the infrastructure SIP submissions for the 1997 and 2006 PM_{2.5} NAAQS received on March 31, 2008 and July 29, 2013. The SIP

submissions from Iowa address the requirements of CAA sections 110(a)(1) and (2) as applicable to the 1997 and 2006 PM_{2.5} NAAQS. Today's action also approves the adoption of the 1997 PM_{2.5} standard.

The EPA's analysis of these submissions is addressed in a TSD as part of the docket.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court

of Appeals for the appropriate circuit by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Prevention of significant deterioration, Incorporation by reference, Intergovernmental relations, Particulate Matter, Reporting and recordkeeping requirements.

Dated: August 1, 2016.

Mike Brincks,
Acting Regional Administrator,
Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart Q - Iowa

2. Section 52.820 is amended by adding (e)(45) and (46) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(e) ***

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *				
(45) Sections 110(a)(1) and (2) Infrastructure Requirements 1997 PM _{2.5} NAAQS.	Statewide	3/21/08	[Insert date of publication in the <u>Federal Register</u>] [Insert <u>Federal Register</u> citation]	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), prong 3, (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.

(46) Sections 110(a)(1) and (2) Infrastructure Requirements 2006 PM _{2.5} NAAQS.	Statewide	7/23/13	[Insert date of publication in the <u>Federal</u> <u>Register</u>] [Insert <u>Federal</u> <u>Register</u> citation]	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), prong 3, (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.
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